

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)	
DELMARVA POWER & LIGHT COMPANY FOR)	
APPROVAL OF THE 2022 PROGRAM FOR THE)	PSC DOCKET NO. 22-0401
PROCUREMENT OF SOLAR RENEWABLE)	
ENERGY CREDITS)	
(FILED MAY 17, 2022))	

ORDER NO. 10047

AND NOW, this 25th day of May 2022, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on May 17, 2022, pursuant to 26 *Del. C.* §§ 351 *et seq.*, Delmarva filed a new application (“Application”) requesting approval of its “2022 Program for the Procurement of Solar Renewable Energy Credits” (the “2022 Program”); and

WHEREAS, the 2022 Program tracks the requirements set forth in the *Renewable Energy Portfolio Standards Act*, which was enacted in 2007 and has been amended in subsequent years;¹ and

¹ See 26 *Del. C.* §§ 351-364. The 2011 Amendments made Delmarva responsible for procuring renewable energy credits (“RECs”) and solar renewable energy credits (“SRECs”) necessary for compliance with respect to all energy delivered to Delmarva’s distribution customers beginning in compliance year 2012 (June 2012 - May 2013).

WHEREAS, the 2022 Program is based on recommendations of the Renewable Energy Taskforce (the “Taskforce”),² as well as the Pilot Program from 2012 and the 2013-2021³ Programs for the Procurement of Solar Renewable Energy Credits (collectively the “SREC Programs”),⁴ which the Taskforce developed and which the Commission previously approved; and

WHEREAS, Staff has begun its review of the details of the 2022 Program for compliance with the Commission’s previous orders as well as compliance with the Taskforce’s recommendations;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, pursuant to 26 *Del. C.* §§ 102A and 304, Delmarva shall publish the notice attached as Exhibit “A” hereto *on or before June 8, 2022*, in the legal classified section of *The*

² See 26 *Del. C.* § 360(d), (d)(2), and (d)(3). Section 360(d)(2)a.-g. provides: “[t]he Taskforce is charged with making recommendations about and reporting on the following and matters related thereto: a. Establishing balanced markets mechanisms for REC and SREC trading; b. Establishing REC and SREC aggregation mechanisms and other devices to encourage the deployment of renewable, distributed renewable, and solar energy technologies in Delaware with the least impact on retail electricity suppliers, municipal electric companies and rural electric cooperatives; c. After an analysis by the Taskforce, the annual progress towards achieving the minimum cumulative percentages for all renewable energy resources including, but not limited to, solar and other eligible energy resources and making appropriate recommendations based upon deliberate and factual analysis and study; d. Minimizing the cost for complying with any portion of this subchapter based upon deliberate and factual analysis and study; e. Establishing revenue certainty for appropriate investment in renewable energy technologies, including, but not limited to, consideration of long-term contracts and auction mechanisms; f. Establishing mechanisms to maximize in-state renewable energy generation and local manufacturing; and g. Ensuring that residential, commercial, and utility scale photovoltaic and solar thermal systems of various sizes are financially viable and cost-effective investments in Delaware.”

³ The 2020 SREC Procurement Program was withdrawn by Delmarva.

⁴ The Commission approved the Pilot Program via Order Nos. 8075 (Nov. 8, 2011) and 8093 (Dec. 20, 2011); the 2013 Program via Order Nos. 8281 (Jan. 22, 2013) and 8450 (Sept. 10, 2013); the 2014 Program via Order Nos. 8551 (Apr. 15, 2014) and 8629 (Sept. 9, 2014); the 2015 Program via Order Nos. 8717 (Mar. 3, 2015) and 8764 (July 21, 2015); the 2016 Program via Order Nos. 8884 (May 3, 2016) and 8890 (Sept. 6, 2016); the 2017 Program via Order Nos. 9050 (Apr. 20, 2017) and 9116 (Sept. 14, 2017); the 2018 Program via Order Nos. 9215 (May 8, 2018) and 9235 (June 19, 2018); the 2019 Program via Order No. 9380 (May 7, 2019); and the 2021 Program via Order No. 9865 (August 25, 2021).

News Journal, *Delaware State News*, and *Cape Gazette* newspapers. Delmarva is required to file affidavits of publication of such public notices as soon as practical, but not later than the commencement of the evidentiary hearings concerning this matter.

2. The deadline for filing written comments on the Application and for any petitions to intervene pursuant to 26 *Del. Admin. C.* § 1001-2.9.2 shall be ***June 22, 2022***. Late-filed petitions to intervene will not be granted unless good cause is shown.

3. Pursuant to 26 *Del. Admin. C.* §§ 1001-2.1.1 and 2.9.3, the Commission delegates to Senior Hearing Examiner Mark Lawrence the authority to grant or deny petitions seeking leave to intervene and motions for admission of counsel *pro hac vice*.

4. The Commission will conduct an evidentiary hearing on this matter at its regularly scheduled meeting on ***Wednesday, July 27, 2022, beginning at 1:00 p.m.*** The Commission will make its decision on the Application based upon the entire record of the case.

5. The Commission Secretary shall promptly serve a copy of this Order on the Division of the Public Advocate.

6. Delmarva is hereby placed on notice that the costs of the proceeding will be charged to it under the provisions of 26 *Del. C.* § 114(b)(1).

7. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai “Mike” Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary

Exhibit A

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OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)	
DELMARVA POWER & LIGHT COMPANY FOR)	
APPROVAL OF THE 2022 PROGRAM FOR THE)	PSC DOCKET NO. 22-0401
PROCUREMENT OF SOLAR RENEWABLE ENERGY)	
CREDITS (FILED MAY 17, 2022))	

PUBLIC NOTICE OF FILING AND EVIDENTIARY HEARING

**TO: ALL ELECTRIC CUSTOMERS OF DELMARVA POWER & LIGHT
COMPANY AND OTHER INTERESTED PERSONS**

On May 17, 2022, Delmarva Power & Light Company (“Delmarva”) filed an application (“Application”) with the Delaware Public Service Commission (“Commission”) requesting approval of the 2022 Program for the Procurement of Solar Renewable Energy Credits (the “2022 Program”), as developed by the Renewable Energy Taskforce, of which Delmarva is a member.

The Commission will make its decision on this matter on the basis of the record evidence taken at a public evidentiary hearing to be held at its regularly-scheduled meeting ***on July 27, 2022 beginning at 1:00 p.m.*** at the Commission’s office located at 861 Silver Lake Boulevard, Cannon Building, Suite 100, Dover, Delaware 19904. For remote participation, please use the teleconference dial in information that will be provided seven (7) days in advance and can be found here: <https://publicmeetings.delaware.gov/Meeting/67669>.

You are invited to review the Application and supporting documents to determine how your interests may be affected. You may review the documents during normal business hours in the Commission's Dover office or in the Commission's electronic filing system, DelaFile, at <https://delafile.delaware.gov/Login.aspx>. Search for Docket No. 22-0401.

If you would like to review documents at the Commission's office, please contact Donna Nickerson at donna.nickerson@delaware.gov to arrange a time for review. You may also review copies of the Application at the Division of the Public Advocate's Wilmington office located at the Carvel State Office Building, 820 North French Street, 4th Floor, Wilmington, Delaware 19801 or its Dover office located at 29 S. State Street, Dover, DE 19901. Please call the Division of the Public Advocate's Wilmington office at (302) 577-5077 or the Dover office at 302-241-2555 to arrange for a time to review the documents at the respective locations.

If you wish to request copies of documents in this matter, please submit a Freedom of Information Act Request Form. This form may be found at https://delaware.gov/help/foia_request.shtml?subj=DOS. There is also a link to the Freedom of Information Act Request Form on the Commission's website at <https://sos.delaware.gov/foia-requests/>. The Commission will respond to your request in accordance with the Delaware *Freedom of Information Act*, 29 Del. C. ch. 100.

If you wish to participate as a party in this docket, with the right to present evidence and be heard by counsel, you must file a petition to intervene under the Commission's *Rules of Practice and Procedure* as set forth in 26 Del. Admin. C. § 1001-2.9. You must file that petition ***on or before June 22, 2022***, via DelaFile or at the Commission's office located at:

Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Building, Suite 100
Dover, Delaware 19904

ATTN: PSC Docket No. 21-0401

Petitions filed thereafter will not be considered except for good cause shown.

If you would like to file written comments on the Application, you must do so ***on or before June 22, 2022***, using the Commission's electronic filing system, DelaFile, at <https://delafile.delaware.gov/Login.aspx> and select Public Comments under public links and refer to Docket No. 22-0401 or by sending such comments to the Commission's office located in Dover, Delaware at the address above.

If you have a disability and wish to participate in, or to review the materials in, these proceedings, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, in writing, by telephone (including text telephone), or by Internet e-mail. If you have questions about this matter, please call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions or request information by Internet e-mail addressed to pamela.knotts@delaware.gov.